

Department of Health and Human Services

Pt. 12, Exh. A

its discretion, impose such alternate terms and conditions of transfer in lieu thereof as may be appropriate to assure utilization of the property for public health purposes.

§ 12.12 Utilization.

(a) Where property or any portion thereof is not being used for the purposes for which transferred, the transferee will be required at the direction of the Department:

(1) To place the property into immediate use for an approved purpose;

(2) To retransfer such property to such other public health user as the Department may direct;

(3) To sell such property for the benefit and account of the United States;

(4) To return title to such property to the United States or to relinquish any leasehold interest therein;

(5) To abrogate the conditions and restrictions of the transfer, as set forth in § 12.9(d) of this chapter, except that, where property has never been placed in use for the purposes for which transferred, abrogation will not be permitted except under extenuating circumstances; or

(6) To make payments as provided for in § 12.3(c) of this chapter.

(b) Where the transferee or lessee desires to place the property in temporary use for a purpose other than

that for which the property was transferred or leased, approval from the Department must be obtained, and will be conditioned upon such terms as the Department may impose.

§ 12.13 Form of conveyance.

(a) Transfers or leases of surplus real property will be on forms approved by the Office of General Counsel of the Department and will include such of the disposal or lease terms and conditions set forth in this part and such other terms and conditions as the Office of General Counsel may deem appropriate or necessary.

(b) Transfers of on-site property will normally be by quitclaim deed without warranty of title.

§ 12.14 Compliance inspections and reports.

The Department will make or have made such compliance inspections as are necessary and will require of the transferee or lessee such compliance reports and actions as are deemed necessary.

§ 12.15 Reports to Congress.

The Secretary will make such reports of real property disposal activities as are required by section 203 of the Act and such other reports as may be required by law.

EXHIBIT A TO PART 12—PUBLIC BENEFIT ALLOWANCE FOR TRANSFER OF REAL PROPERTY FOR HEALTH PURPOSES¹

Classification	Percent allowed											
	Organization allowances							Utilization allowances				Max- imum public benefit allow- ance
	Basic public ben- efit allow- ance	Tax sup- port	Acc- red- itation	Hard- ship	Unmet needs			Inte- grated re- search pro- gram	Out- pa- tient ser- vices	Public ser- vices	Train- ing pro- gram	
					10 to 25%	26 to 50%	51 to 100%					
Hospitals	50	20	20	10	10	20	30	10	10	10	10	100
Clinics	50	20	20	10	10	20	30	.....	.....	.....	.....	100
Nursing Homes	50	20	20	10	10	20	30	.....	.....	.....	10	100
Public Health Admin- istration	≥ 100	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	≥ 100
Public Refuse Dis- posal and Water Systems	≥ 100	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	≥ 100
Research	≥ 100	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	≥ 100
Rehabilitation Facility	50	20	20	10	10	20	30	10	10	10	10	100
Special Services	50	20	20	10	10	20	30	.....	.....	10	.....	100

Classification	Percent allowed										
	Organization allowances							Utilization allowances			
	Basic public benefit allowance	Tax support	Accreditation	Hardship	Unmet needs			Integrated research program	Out-patient services	Public services	Training program
					10 to 25%	26 to 50%	51 to 100%				
Assistance to the Homeless	² 100	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

¹ This public benefit allowance applies only to surplus real property being sold for on-site use. When surplus real property is to be moved from the site, a basic public benefit allowance of 100% will be granted.

² Applicable when this is the primary use to be made of the property. The public benefit allowance for the overall health program is applicable when such facilities are conveyed as a minor component of other facilities.

[45 FR 72173, Oct. 31, 1980, as amended at 53 FR 7745, Mar. 10, 1988]

PART 12a—USE OF FEDERAL REAL PROPERTY TO ASSIST THE HOMELESS

Sec.

- 12a.1 Definitions.
- 12a.2 Applicability.
- 12a.3 Collecting the information.
- 12a.4 Suitability determination.
- 12a.5 Real property reported excess to GSA.
- 12a.6 Suitability criteria.
- 12a.7 Determination of availability.
- 12a.8 Public notice of determination.
- 12a.9 Application process.
- 12a.10 Action on approved applications.
- 12a.11 Unsuitable properties.
- 12a.12 No applications approved.

AUTHORITY: 42 U.S.C. 11411; 40 U.S.C. 484(k); 42 U.S.C. 3535(d).

SOURCE: 56 FR 23794, 23795, May 24, 1991, unless otherwise noted.

EFFECTIVE DATE NOTE: At 56 FR 23794, 23795, May 24, 1991, part 12a was added, effective May 24, 1991, except for §12a.3, which will not become effective until approved by the District Court for the District of Columbia, pending further proceedings.

§ 12a.1 Definitions.

Applicant means any representative of the homeless which has submitted an application to the Department of Health and Human Services to obtain use of a particular suitable property to assist the homeless.

Checklist or property checklist means the form developed by HUD for use by landholding agencies to report the information to be used by HUD in making determinations of suitability.

Classification means a property's designation as unutilized, underutilized, excess, or surplus.

Day means one calendar day including weekends and holidays.

Eligible organization means a State, unit of local government or a private non-profit organization which provides assistance to the homeless, and which is authorized by its charter or by State law to enter into an agreement with the Federal government for use of real property for the purposes of this subpart. Representatives of the homeless interested in receiving a deed for a particular piece of surplus Federal property must be section 501(c)(3) tax exempt.

Excess property means any property under the control of any Federal executive agency that is not required for the agency's needs or the discharge of its responsibilities, as determined by the head of the agency pursuant to 40 U.S.C. 483.

GSA means the General Services Administration.

HHS means the Department of Health and Human Services.

Homeless means:

(1) An individual or family that lacks a fixed, regular, and adequate nighttime residence; and

(2) An individual or family that has a primary nighttime residence that is:

(i) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);

(ii) An institution that provides a temporary residence for individuals intended to be institutionalized; or